

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Matthias Ebert et al.

Serial No.: 10/575,300

Group Art Unit: 1642

Filed : September 18, 2006

Examiner: Sean E. Aeder

For : MN and Cancer Prognosis

AMENDMENT AND REQUEST FOR  
CONTINUED EXAMINATION (RCE)

MAIL STOP RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Amendment concerning the above-identified application is in response to the Advisory Action mailed from the U.S. Patent and Trademark Office (PTO) on February 26, 2008 (which corrected the reply period as set forth in the Advisory Action mailed on January 29, 2008). The instant Amendment and Request for Continued Examination (RCE) is being submitted to the PTO within one month of the February 26, 2008 mailing from the PTO correcting the reply period set forth in the Advisory Action. A request for a one-month extension of time under 37 CFR 1.17(a)(1) (\$120 fee) accompanies the instant Amendment and RCE.

The instant application was filed on September 18, 2006, and is the U.S. national stage application corresponding to PCT Application No. PCT/US04/034573 filed October 18, 2004. Therefore, as the instant application is an international utility application that was filed under 35 U.S.C. 363 after June 8, 1995, and as the last office action was a Final Office Action closing the prosecution in the subject application, Applicants respectfully point out that they are entitled under 37 CFR §§ 1.114 (a) and (d) to have a first submission entered and considered on the merits after final rejection:

If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of:

- (a) Payment of the issue fee, unless a petition under § 1.313 is granted;
- (b) Abandonment of the application; or
- (c) The filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. 141, or the commencement of a civil action under 35 U.S.C. 145 or 146, unless the appeal or civil action is terminated. . . .

If an applicant timely files a submission and fee set forth in § 1.17(e), the Office will withdraw the finality of any Office action and the submission will be entered and considered.

Applicants have enclosed herewith a submission and an authorization to charge the fee of \$810 as set forth in 37 CFR § 1.17(e), and note that the finality of the Office Action, mailed

from the PTO on October 19, 2007 (hereinafter cited as "Office Action") is thereby automatically withdrawn. Also enclosed is an authorization to charge the fee for a one-month extension of time under 37 CFR § 1.17(a)(1). Should any additional fees be determined to be necessary in connection with this paper, Applicants respectfully request that any such additional fees be charged to Deposit Account No. 12-0615.